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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NUMBER: 1:06-cv-370

DIANA DOCKERY,

Plaintiff,

vs.

CONSENT JUDGMENT

DEBRA YOUNG,

Defendant.

This cause coming on to be heard before the undersigned Judge presiding and it appearing to the Court that the Plaintiff and Defendant agree to terms and conditions of this Judgment.

Now, therefore, the Court makes the following Findings of Fact and Conclusions of Law:

1. The Court has jurisdiction over the subject matter and the parties in this action.
2. The parties have been properly served and agree to the terms and conditions of this Order.
3. Following this Court's issuance of a Temporary Restraining Order enjoining Prudential Insurance Company from paying

to Defendant Debra Young the proceeds of the disputed life insurance policy in this case, Prudential deposited with the Court the proceeds of said insurance policy as well as return of premiums beyond the date of death in the total amount of \$50,502.74.

4. The parties have agreed that the funds from the disputed insurance policy shall be distributed as follows:
 - a. Five thousand nine hundred eighty-four dollars and fifty-five cents (\$5,984.55) shall be paid to Annie Young as reimbursement for expenses incurred at Anders-Rice Funeral Home for funeral services for Michael Dockery. The parties agree that this check may be delivered to Defendant's counsel for delivery to Annie Young.
 - b. Two thousand nine hundred eighty-five dollars and fifteen cents (\$2,985.15) shall be paid to Helen Dockery as reimbursement for expenses incurred at Townes and Son funeral home in connection with the burial of Michael Dockery. The parties agree that this check may be

delivered to Plaintiff's counsel for delivery to Helen Dockery.

- c. The remaining funds on hand from the disputed policy shall be divided equally with one-half being paid to plaintiff and one-half being paid to defendant. These two payments shall be made by way of a check made payable to plaintiff and her counsel which shall be delivered to plaintiff's counsel and a check made payable to defendant and her counsel which shall be delivered to defendant's counsel.
- 5. The payment of Annie Young fully satisfies the amount sought in Claim No. 2 filed by Debra Young in the Estate of Michael E. Dockery on January 19, 2007 seeking \$5,984.55 for funeral expenses advanced on behalf of the decedent. As such, Defendant Young has agreed to take a voluntary dismissal with prejudice of the aforementioned Claim No. 2.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND
DECREED:

1. The Clerk of the United States District Court for the Western District of North Carolina shall distribute funds deposited with the Clerk's office by Prudential Insurance Company under Group Policy No. G-32000, the disputed policy in this case, as set forth above.
2. Debra Young shall take a voluntary dismissal with prejudice of her Claim No. 2 filed in the Estate of Michael E. Dockery on January 19, 2007, in light of the satisfaction of that claim by the payment being made to Annie Young herein.

Signed: March 4, 2008



Lacy H. Thornburg
United States District Judge



We Consent:

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